

1
2
3
4
5
6
7
8
9
10
11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 **IN RE ZAPPOS SECURITY BREACH**
15 **LITIGATION**

MDL: 2357
Case No. 3:12-cv-00325-RCJ-VPC

16 This document relates to:

ORDER GRANTING
STIPULATION REGARDING
SUPPLEMENTAL NOTICE

17 **ALL ACTIONS**

18
19 WHEREAS, two rounds of notices already have been sent to the Settlement Class
20 Members in this action; and

21 WHEREAS, the deadline for Settlement Class Members to opt-out or object has
22 expired; and

23 WHEREAS, to date, more than 259,000 Settlement Class Members have
24 redeemed the discount codes described in the settlement agreement in this matter, with the total

1 value of redeemed discounts exceeding \$4.35 million; and

2 WHEREAS, the parties propose a further supplemental notice to remind
3 Settlement Class Members who have not yet used their discount codes (and who have not opted
4 out, objected or otherwise requested no further communications) of the availability of the
5 settlement benefit.

6 NOW, THEREFORE, the Parties stipulate and agree as follows:

7 1. During the period December 10-18, 2019, Zappos shall email (or shall
8 cause the Settlement Administrator to email) supplemental notice, substantially in the form
9 attached hereto as Exhibit A, to Settlement Class Members who have not yet used their discount
10 codes (and who have not opted out, objected or otherwise requested no further communications);
11 and

12 2. Zappos shall bear the costs of the supplemental notice described herein.

13 O'MARA LAW FIRM, P.C.

KAEMPFER CROWELL

14 By /s/ David C. O'Mara
15 David C. O'Mara, No. 8599
311 East Liberty Street
16 Reno, Nevada 89501

By /s/ Robert McCoy
Robert McCoy, No. 9121
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135

17 BARNOW AND ASSOCIATES, P.C.
18 Ben Barnow (*pro hac vice*)
One North LaSalle Street, Suite 4600
Chicago, IL 60602

STROOCK & STROOCK & LAVAN LLP
Julia B. Strickland (*Pro Hac Vice*)
Stephen J. Newman (*Pro Hac Vice*)
Brian C. Frontino (*Pro Hac Vice*)
2029 Century Park East, Suite 1600
Los Angeles, California 90067

19 THE COFFMAN LAW FIRM
20 Richard L. Coffman (*pro hac vice*)
First City Building
21 505 Orleans Street, Fifth Floor
Beaumont, TX 77701

22 Attorneys for Defendant Zappos.com, Inc.

23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

ORDER

IT IS SO ORDERED.

ROBERT C. JONES
United States District Judge

Dated: December 6, 2019.

EXHIBIT A

Email to Settlement Class Members

EXHIBIT A

PLEASE TAKE A MOMENT TO READ THIS EMAIL

Dear Customer,

You should have received an email in mid-October about a proposed class action settlement, stating that because you were a customer of Zappos in January 2012, you are entitled to receive a 10% discount on your next Zappos purchase. This discount was part of a settlement reached in the lawsuit filed because of the data breach that occurred in January 2012.

We wanted to reach out again to remind you that you may use your one-time discount code between now and the end of the year (December 31, 2019 at 11:59 pm pacific time to be exact). Here are some highlights for using your discount code:

- You may combine it with other promotions, discounts or points that you have on your Zappos account.
- You can use it on ANY merchandise available on the Zappos app or website, including items that are on sale.
- Your discount code is good on your entire order, no matter how many items you have in your shopping cart.
- There is no limit to how much you can save on your purchase.
- Or, if you prefer, you can simply transfer the code to someone else to use.

Once again, here is your one-time-use code: -----.

Once you've selected the items you want to purchase, select "Proceed to Checkout" and you'll have a chance to enter your code.

- For Desktop Users: Under "2. Payment Method," you'll see a dropdown for "Add gift card or promo code (including a VIP code)." Simply enter the code there, click "Apply," and continue checking out.
- For App Users: Select "Gift Codes" in the top right corner, enter your code, select save, and continue checking out.

For additional information regarding the settlement, please visit www.Zapposdatasettlement.com, which is the only official settlement website. Thank you for your patience and understanding and, as always, we're here to help. If you need help with placing an order, please don't hesitate to reach out by contacting us at 2012action@zappos.com or (877) 927-2332. If you need information about the settlement, please write to: Zappos Settlement Administrator, P.O. Box 43434, Providence, RI 02940-3434, or telephone 1-855-263-1060.

We appreciate you,

Your Friends at Zappos

Exhibit A